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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO. 1836 OF 1995

Jogdade Shivaji Dhuraji & Ors. .. Petitioners

Vs.

The State of Maharashtra and ors. .. Respondents

Mr. Ramesh Karale h/f Ms. Suhasini Mutalik for
petitioners.

Mr. V.S. Gokhale, AGP for respondent no.1.

Mr. R.G. Ketkar for respondent nos.2 and 3.

Mr. Tanaji Mahatugade h/f Mr. A.V. Anturkar for
respondent no.4.

CORAM : B. H. MARLAPALLE &
D. B. BHOSALE, JJ.

Date : March 24, 2006.

P.C.:

1. In this petition directions were sought against the Competent Authority under the Slum Improvement Act, Pune Municipal Corporation to declare the land in Survey Nos.121 and 122 of Kothrud village to be a slum area under Section 3(1) of the Maharashtra Slum Areas (improvement, clearance and redevelopment) Act, 1971. It is evident that the said prayer was based on the order disposing Writ Petition No.2424 of 1992.

2. The Deputy Municipal Commissioner of the Pune Municipal Corporation has filed an affidavit in reply and has pointed out that the slum dwellers from the

:2:

subject lands who were occupants as on 1/1/1995 have been rehabilitated. The number of such slum dwellers was 1012 and the remaining 288 slum dwellers on the subject lands were found to be the occupants after 1/1/1995 and they were not eligible for rehabilitation and, therefore, they came to be evicted. Thus, the entire land in both the survey numbers was free from any slum dwellers and, therefore, the Corporation contends that the prayer for declaration of slum areas cannot be considered.

3. We agree with the contentions of the Pune Municipal Corporation and hence this petition must fail. The same is hereby dismissed. Rule discharged. No costs.

(D.B. Bhosale, J.)

(B.H. Marlapalle, J.)